

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARK A. WEISS,

Petitioner,

v.

Case No. 25-CV-27

SUE DEHAAN,

Respondent.

ORDER

On July 15, 2025, the court granted the respondent's motion to dismiss Mark A. Weiss's petition for a writ of habeas corpus. (ECF No. 23.) Weiss has now filed what he captioned as a "Motion for Reconsideration." (ECF No. 26.)

Construing this motion as a motion to alter or amend judgment under Federal Rule of Civil Procedure 59(e) the motion is denied as untimely. A Rule 59(e) motion must be filed within 28 days of the entry of judgment, Fed. R. Civ. P. 59(e), and the court cannot extend this deadline, Fed. R. Civ. P. 59(b)(2).

Because the court entered judgment on July 15, 2025 (ECF No. 24), Weiss was required to file any Rule 59(e) motion no later than August 12, 2025. His motion is undated and unsigned (which is another reason to deny the motion, *see* Fed. R. Civ. P. 11(a) (requiring every motion to be signed)), but it was postmarked August 29, 2025 (ECF No. 26-2). Although a motion is deemed filed when an incarcerated person

deposits it with his institution's mail system, it is unlikely that it took more than two weeks for his filing to be postmarked.

Even if the court was able to consider the merits of the motion, the court would be required to deny it. The court may grant relief under Rule 59(e) only if the movant presents newly discovery evidence or shows that the court committed a manifest error of law. *Cincinnati Life Ins. Co. v. Beyrer*, 722 F.3d 939, 955 (7th Cir. 2013). Having reviewed Weiss's motion, the court finds no basis for relief.

Alternatively, the court would likewise be required to deny Weiss's motion if it construed it as a motion under Federal Rule of Civil Procedure 60(b). Again, Weiss fails to establish that he is entitled to relief under the Rule.

IT IS THEREFORE ORDERED that Weiss's motion for reconsideration (ECF No. 26) is denied.

Dated at Green Bay, Wisconsin this 4th day of September, 2025.

s/ Byron B. Conway
BYRON B. CONWAY
United States District Judge